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State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
Hazardous & Radioactive Materials Bureau

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June 5, 1995

Dean A. Meinert  
1LT, OD  
Commanding  
Department of the Army  
41st Ordnance Detachment (EOD)  
Fort Bliss, Texas 79916-6803

Dear Lieutenant Meinert:

Enclosed are our comments on the proposed Memorandum of Understanding (MOU) between the New Mexico Environment Department (NMED) and the 41st Ordnance Detachment (EOD). These final comments are to address your memorandum dated May 8, 1995. The appropriate signatory authority for the NMED is Ed Kelley, Ph.D., Director, Water and Waste Management Division, New Mexico Environment Department. The Hazardous and Radioactive Materials Bureau (HRMB) 24 hour telephone point-of-contact for emergency calls is (505) 470-3657. Also enclosed is a copy of the section of the MOU referred to in the enclosed comments.

After we received the final revised MOU the HRMB will send it forward for proper concurrence and signature through Department channels.

Please contact Marc Sides at (505) 827-4308 if you have any questions or require further assistance.

Sincerely,

*Barbara Hoditschek*  
Barbara Hoditschek, Permit Program Manager  
Hazardous and Radioactive Materials Bureau

cc: Benito Garcia, Chief HRMB  
Marc Sides  
Tracy Hughes, OGC  
[REDACTED]

Enclosures

**COMMENTS**

**PROPOSED MEMORANDUM OF UNDERSTANDING**

**between the  
41ST EXPLOSIVE ORDNANCE DISPOSAL UNIT  
and the  
NEW MEXICO ENVIRONMENT DEPARTMENT**

1. Section 2.a., last sentence

The sentence, "EOD emergency actions involving explosives materials and devices are not subject to RCRA", should be changed to, "EOD emergency actions involving explosives materials and devices, that are determined to be hazardous waste, will be conducted in accordance with the New Mexico Hazardous Waste Management Regulations 20 NMAC 4.1, Section 265.1.(c)(11). Any hazardous waste treatment or containment activities continued or initiated by the DA EOD after the immediate response is over will comply with all applicable hazardous waste treatment, storage, or disposal regulations of the State of New Mexico."

DEPARTMENT OF THE ARMY  
41ST ORDNANCE DETACHMENT (EOD)  
52D ORDNANCE GROUP (EOD)  
FORT BLISS, TEXAS 79916-6803

MEMORANDUM OF UNDERSTANDING  
CONCERNING OFF-INSTALLATION  
EMERGENCY ACTIONS ON EXPLOSIVES

1. Parties: The parties of this Memorandum of Understanding (MOU) are the Department of Army (DA) 52nd Ordnance Group (EOD), ("DA EOD") and the New Mexico Environment Office.

2. Background:

a. DA EOD are specially trained personnel belonging to units with the military services. They are trained to handle all types of explosives, including improvised explosive devices. Other Federal agencies and civil authorities occasionally call upon DA EOD units for assistance with emergencies involving explosives. These situations call for immediate action to abate the safety threat by treatment in place or removal to a safe location. EOD emergency actions involving explosives materials and devices are not subject to regulation under RCRA.

b. Except for providing temporary storage or treatment of explosives in order to provide emergency life saving assistance to civilian authorities or to assist law enforcement agencies in accordance with established agreements between DOD and the head of the Federal agency concerned, DOD is prohibited by law (10 U.S.C. 2692) from using DOD installations for the storage or treatment of non-DOD owned hazardous materials.

3. Purpose: This MOU addresses roles and responsibilities of the parties regarding notification requirements during emergency response operations. The purposes of this MOU are to:

a. Minimize the risk to public safety from DA EOD emergency actions: